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ROE — Are We Falling Victim to the Enemy's Effects Based Operations?

By

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A paper submitted to the faculty of the Naval War College in partial satisfaction of the requirements of the Department of Joint Military Operations.

The contents of this paper reflect my own personal views and are not necessarily endorsed by the Naval War College or the Department of the Navy.

Signature: _____

09 February 2004

Abstract

As the United States struggles with achieving its political goals during the post-conflict phase of Operation IRAQI FREEDOM (OIF), it continues to be "frustrated by fast-moving paramilitary groups, often indistinguishable from civilians, who ambush and harass allied units. These fighters have caused far more allied casualties than have been inflicted by regular Iraqi units. They have also led U.S. troops to fire at civilian targets, occasionally with tragic results." Clearly, the Iraqi insurgents "threaten the campaign's political objective: winning the hearts and minds of the Iraqi people." There has been growing argument, since major combat operations in Iraq ceased, suggesting that restraint is the key to winning the hearts and minds of the Iraqi people. Without the support of the Iraqi populace, the prospect of a long and drawn out insurgency is likely. While winning the hearts and minds is central to achieving U.S. political goals in Iraq, "edgy U.S. soldiers resort with distressing speed to lethal force. Even when they have a good reason to shoot, soldiers sometimes respond in an excessive and indiscriminate way that puts civilians unnecessarily at risk." Surely, aggressiveness at the tactical level has proven effective in reducing the number of U.S. casualties; but has this same aggressiveness played into the enemy's strategy? By acknowledging the effectiveness of the insurgent's effects based operations (EBO), it is clear that U.S. ROE currently employed during post-conflict operations in Iraq require significant modifications in order to preclude inadvertently conferring advantages upon the enemy. Indeed, we must accept limitations on self-defense and modify supplemental ROE in order to avoid playing into the insurgent's effects based operations.

16 May 2004: In the basement of a small house, south of Tikrit, the leaders of the "Northern Anti-American Insurgency" met to evaluate the effectiveness of their operations. Mulah Abaid, the leader of the Northern Insurgency Sector, gathered his battle captains around a map posted on the wall, and gave the following operational assessment to his subordinates:

"My fellow freedom fighters, we have made great gains over the past three months in achieving our desired effects. I want to re-emphasize that our operational concept for defeating the Americans must continue to focus principally on effects, rather than attrition, to achieve our military objectives.¹ The Americans are slow to adapt, and as such, we continue to maintain an advantage over them. The American thought process is out-dated. They hold dearly to the principles of the Prussian theorist named Clausewitz, who stated, "Destruction of the enemy forces is the overriding principle of war."² While the Americans focus on attrition, we will focus on effects. We will continue to use our effects based operations (EBO) to "link tactical actions to operational objectives and desired strategic effects."³ The key to our victory will be continued exploitation of the American critical weakness, namely their rules of engagement (ROE), in order to achieve our desired effects on our three audiences.⁴ The Americans believe that military force, attrition, and aggressive ROE are the solutions to all problems. We will use this to our advantage. For some, this is your first operational assessment with me, so let me review the three audiences of our effects based operations. As stated earlier, our goal is not to stand toe-to-toe with the Americans, but rather to apply selective actions at the tactical level to exploit their ROE. By doing so, we will achieve the desired strategic effects over our three audiences. In the long-term, this will virtually guarantee our victory. The three audiences upon whom our effects focus are as follows:⁵

- 1. The Government— Coalition Authorities and Iraqi governing councils*
- 2. The Uncommitted Iraqi Populace*
- 3. International public opinion*

We have seen evidence of our success in reaching our three audiences over the past several months. By exploiting the American ROE, we have demonstrated that we can easily instigate a response that plays into our hands. We demonstrated our ability to exploit the American ROE at places like al-Slaikh, al-Mansur, Haifa Street, Hay al-A'lam, Baghdad, and more recently in Al-Falluja.⁶ We have even baited them into tearing down our houses in Tikrit!⁷ The French tried these same heavy-handed methods against the FLN in Algeria, and it eventually led to their failure. By exploiting the American's ROE at the tactical level, we have been able to achieve desired operational and strategic effects. For every innocent Iraqi civilian we can get the Americans to kill, we achieve desired effects over all three of our audiences. This is our measure of success!"

As the United States struggles to achieve its political goals during the post-conflict phase of Operation IRAQI FREEDOM (OIF), it continues to be "frustrated by fast-moving paramilitary groups, often indistinguishable from civilians, who ambush and harass allied

units. These fighters have caused far more allied casualties than have been inflicted by regular Iraqi units. They have also led U.S. troops to fire at civilian targets, occasionally with tragic results."⁸ Clearly, the Iraqi insurgents "threaten the campaign's political objective: winning the hearts and minds of the Iraqi people."⁹ By acknowledging the effectiveness of the insurgents' effects based operations (EBO), it is clear that U.S. ROE currently employed during post-conflict operations in Iraq require significant modifications in order to preclude inadvertently conferring advantages upon the enemy. Indeed, we must accept limitations on self-defense and modify supplemental rules of engagement in order to avoid playing into the insurgents' effects based operations.

The opening vignette demonstrates how Iraqi insurgents are exploiting U.S. rules of engagement (ROE) in order to disrupt the ability of the United States to achieve its political goals.¹⁰ Clearly, in order to achieve success in Iraq, the U.S./coalition must devise ways to prevent the insurgents from exploiting vulnerabilities in its ROE. This essay highlights the ways in which the insurgents are exploiting U.S. ROE, and provides solutions to mitigate the effects of insurgent EBO.

There are no simple answers to the issue of ROE. As Professor Richard Grunawalt, distinguished operational law instructor noted, "There are no ultimate experts in the business of rules of engagement. The subject is far too important to be taken lightly, and far too complex to be studied cavalierly."¹¹ The issue is complex. The insurgents melt into the local environment, making it very difficult for U.S. troops to identify friend from foe. In most cases, the application of ROE requires positive identification (PID) of the target before engaging. PID has been a difficult challenge for U.S. troops in Iraq, because it is difficult to distinguish insurgents from ordinary Iraqi citizens.

There has been growing argument, since major combat operations in Iraq ceased, suggesting that restraint is the key to winning the hearts and minds of the Iraqi people.¹² Without the support of the Iraqi populace, the prospect of a long and drawn out insurgency is likely. While winning the hearts and minds is central to achieving U.S. political goals in Iraq, "edgy U.S. soldiers resort with distressing speed to lethal force. Even when they have a good reason to shoot, soldiers sometimes respond in an excessive and indiscriminate way that puts civilians unnecessarily at risk."¹³ Surely, aggressiveness at the tactical level has proven effective in reducing the number of U.S. casualties; but has this same aggressiveness played into the enemy's strategy?

The United States continues to employ force based on necessity and proportionality, and tailored to the specific needs of the mission.¹⁴ The method of applying ROE, given the situation in Iraq, has serious flaws, however. These flaws are the very critical weakness that Iraqi insurgents use to deny the United States achievement of its political objectives. The standing rules of engagement (SROE), and the approved supplemental rules of engagement employed by U.S. troops in Iraq, are conferring an advantage upon the insurgents.¹⁵ The method of applying ROE in Iraq does not account for the insurgent's application of deliberate effects based operations. One might ask, "How are the insurgents exploiting U.S. ROE in order to achieve their desired effects?" To answer this, it is useful first to define the enemy, his objectives, and his strategy.

Defining the Insurgent

Cunning, adaptable, and chameleon-like are a few of the ways to describe the Iraqi insurgents. The one characteristic that has posed the greatest challenge to U.S. troops, however, is the perfidious tactics employed by the insurgents.¹⁶

The exact composition of the Iraqi insurgent force is not clear. Coalition leaders believe that "70-80% of those captured to date are paid attackers."¹⁷ It is likely that the majority of the insurgents are former Iraqi soldiers and Baathist party members who were able to fade into the landscape following the U.S. invasion. Evidence suggests that these groups, also known as former regime loyalists (FRLs), have extensive monetary and military resources available.¹⁸ The extent of Al Qaeda terrorist influence within the FRL organization is unknown, but analysts suspect that they are involved in planning attacks against U.S. troops in Iraq.

Collectively, these groups have shown the ability to coordinate their attacks against selective coalition targets.¹⁹ The FRLs "provide the management skills, as well as plan, fund, and coordinate military operations. They exploit their implicit understanding of tribal culture and are currently reaching out to segments of former tribal clientele. Payment for military attacks against Coalition targets is increasingly seen as the only means to provide for the family and is often used as a recruitment tool, due to high unemployment."²⁰ The critical strength of the insurgent group lies in its political potential, rather than its military power.²¹

The Insurgent's Objectives

While it is impossible to know the exact intentions of the insurgents, it is obvious that they are trying to stir up resistance to the coalition occupation, weaken U.S. political resolve, and bring about domestic and international criticism. In a recent Combined Joint Task Force-7 (CJTF-7) news brief, Army Brigadier General Mark T. Kimmitt summarized the Iraqi insurgent objectives:

They are trying to convince the people of Iraq that they can't trust the coalition, that they can't depend on the coalition, (and that) they can't depend on their own security services. They are intentionally trying to create terror in the minds of the Iraqi civilians so that they have a better chance of attracting them to their cause, whatever that may be.²²

Brigadier General Kimmitt's observations about the Iraqi insurgents may be somewhat accurate; however, his overall assessment of the insurgent's objectives is incomplete. The analysis fails to acknowledge that U.S. ROE are the primary source of the insurgent's EBO. This shortsighted analysis is allowing the insurgents to exploit U.S. ROE during post-conflict operations.

The Insurgent's Strategy

If the insurgents are intelligent enough to coordinate their efforts, as evidence suggests, then it is likely that they have a well-thought out strategy to achieve their goals.²³ The U.S. failure to recognize that the insurgents are employing EBO begs the question, "How does the United States judge its success against the insurgents?" Evidence suggests that the U.S. measures its success against the insurgents in terms of patrols, ambushes, and enemy captured.²⁴ Meanwhile, the insurgents exploit U.S. ROE in order to achieve effects that influence the eventual strategic outcome in Iraq. The misidentification of the enemy's strategy conveys numerous advantages upon the insurgents, to include: 1) affording the insurgents greater freedom to exploit U.S. ROE, 2) allowing the insurgents to achieve their effects over their intended audiences, and 3) ultimately denying the U.S. achievement of its political goals.

The insurgents, recognizing patterns from previous U.S. interventions elsewhere, are likely to have identified U.S. ROE as a critical weakness that is vulnerable to exploitation. Evidence suggests that the insurgents are well versed in recent U.S. interventions around the globe, to include the aspects of those interventions that present exploitable vulnerabilities. Saddam Hussein, for example, made many of his military officers read "Black Hawk Down" prior to the U.S. ground offensive, in order to illustrate exploitable weaknesses in U.S.

resolve.²⁵ In addition to the large amount of historical information available to the insurgents, U.S. forces in Iraq unwittingly furnish the insurgents with relevant information that the insurgents surely exploit. For example, CJTF-7's unclassified web site includes the CJTF post-conflict mission statement, as well as other potentially harmful, and exploitable information.²⁶

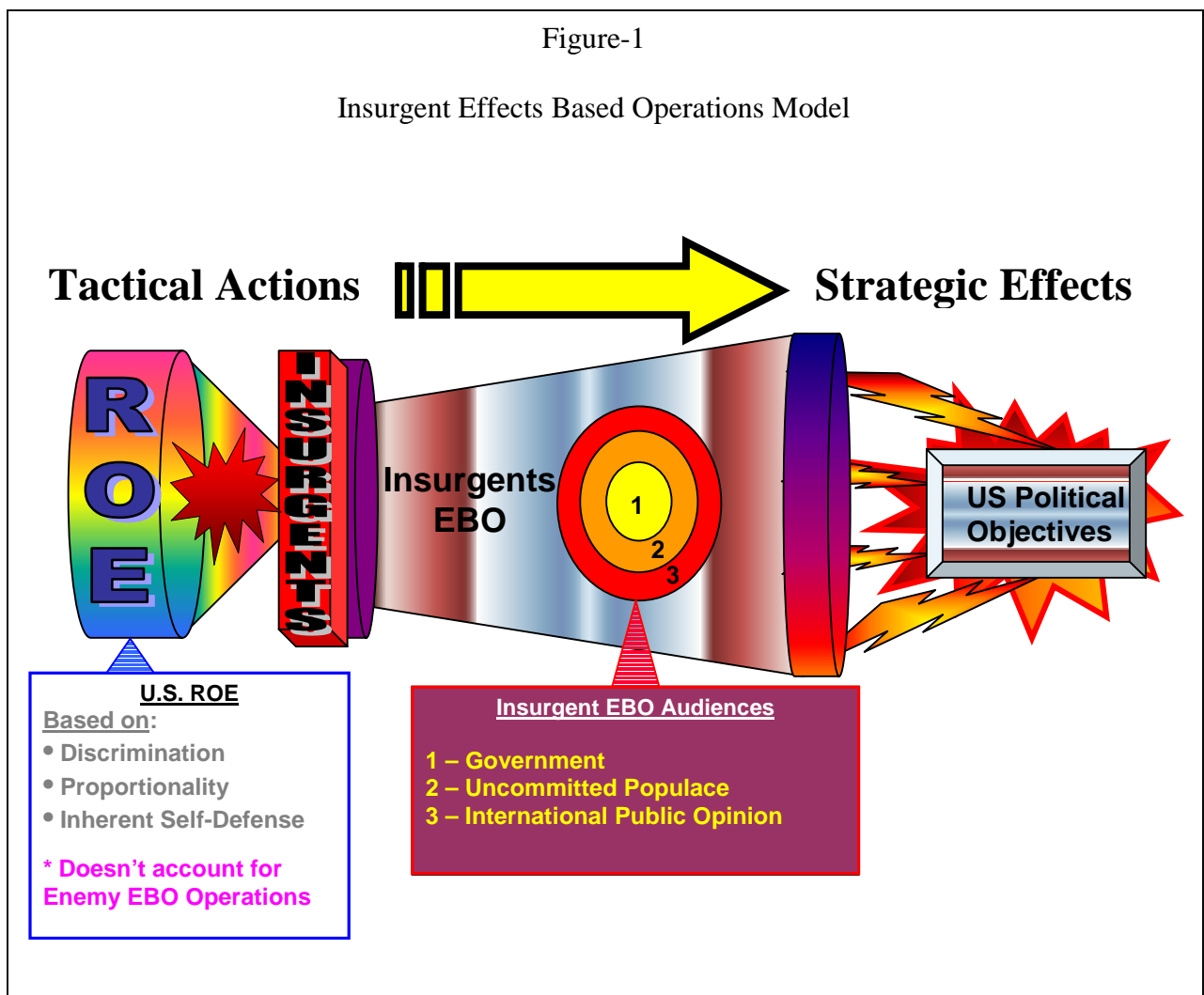
In addition, it is likely that the insurgents are well versed in the lessons from the French intervention in Algeria. Some have argued that there are numerous similarities between the French intervention in Algeria, and the U.S. occupation of Iraq. The French applied heavy-handed ROE in Algeria that resulted in a decisive military victory. This same military victory, however, failed to achieve France's political goals. Sheila Johnson, editor for the Japan Policy Research Institute, suggests the following analogy between Iraq and the Battle of Algiers:

"If one changes the words 'settlers' and 'colonists' to 'American occupiers' and 'Algeria' to 'Iraq,' this is not a bad assessment of where the U.S. now finds itself -- or may soon find itself. Watching current TV news footage coming out of Iraq -- say, of American soldiers patting down Iraqi men at check-points (and putting hoods and plastic handcuffs on some of them) or ransacking private homes -- one cannot help but wince at the racial and religious hatreds being sown right before our eyes."²⁷

The above passage has strong inferences to the ROE employed by U.S. troops in Iraq. The exact supplemental rules of engagement employed by U.S. forces in Iraq remains classified. From open source reports, however, it is clear that the supplemental ROE allow U.S. troops to apply force with few restrictions. The liberal authority for U.S. troops to apply force in post-conflict operations is perfectly suited for exploitation by the insurgent's EBO.

When looking at the application of force, under the model of enemy EBO, it is useful to look at who the target audiences are, and how the insurgents are using U.S. ROE to achieve their desired effects.

From the U.S. perspective, effects based operations are derived from Colonel Warden's five-ring model, and are generally associated with operational fires.²⁸ It is my suggestion that the insurgents are employing a similar model, only modified to suit their means, ways, and ends. As Figure-1 depicts, when modified to the insurgent's capabilities, the EBO model presents a compelling strategy that allows insurgent actions at the tactical level to result in significant effects at the strategic level.



For the insurgents, the path to success requires a strategy that falls within their available means. As the opening vignette portrayed, the insurgents know that they cannot defeat the U.S. military through conventional methods. By applying asymmetrical means at carefully designated targets, the insurgents are able to instigate ROE-authorized U.S. responses that favor the insurgent's EBO. For example, U.S. troops have the inherent right of self-defense. Knowing this, the insurgents exploit U.S. ROE by emplacing improvised explosive devices (IEDs) along likely U.S. convoy routes. At the time and place of the insurgent's choosing, they employ the IEDs, resulting in U.S. ROE-authorized self-defense responses. This response, as the insurgents carefully plan it, oftentimes results in numerous civilian casualties. These civilian casualties produce the effects that the insurgents use to reach their three audiences. This is an example of how the insurgents exploit U.S. ROE in order to achieve effects over their three audiences. In order to understand the full impact of the insurgent's EBO, it is useful to look at how the insurgents reach each of their three audiences.

EBO Audience #1 – The Government

The first audience, or what Warden's 5-Ring model refers to as center of gravity, is the government. This audience comprises the Coalition Provincial Authority (CPA), the local Iraqi governing councils, and in broader terms, U.S. domestic support. At this point, the reader might ask, "How are the insurgents using U.S. ROE to gain effects over the government?" The following quote, from a Human Rights Watch (HRW) Report, sheds light on the relationship between ROE and the insurgent's EBO:

The soldiers determined the situation was hostile and engaged the individual, U.S. military spokesman Maj. Sean Gibson told the press at the time of the incident. It was not until after the search was under way that they discovered that it was an eleven-year old boy.²⁹

The insurgent's main source of achieving effects on audience-1, the government, arises from the issue of legitimacy.³⁰ The above quotation illustrates a common case where the insurgents likely "baited" U.S. troops into a situation that resulted in civilian casualties. Although the U.S. soldier in the above situation operated within the authorized ROE, this tactical incident resulted in the effect of reducing the government's legitimacy in the eyes of Iraqi civilians. If Iraqi citizens gain the perception that they cannot rely on the CPA to provide for their security, then the insurgents have achieved their desired strategic effect on this audience.

Furthermore, the insurgents seek to employ methods "designed to create the conditions where the current ruling authority is forced to overreact and lose credibility as a liberator."³¹ As terrorism expert Martha Crenshaw points out, "A particularly salient characteristic of this form of violence is the usual innocence of its victims, who are noncombatants, not prepared to defend themselves against attack and only in the most tenuous way responsible for the actions of the government that terrorists oppose."³²

HRW, while not affiliated with the U.S. military, may be the closest to understanding the link between ROE and the insurgents' EBO. As HRW noted in its October 2003 report:

The U.S. military with responsibility for security in Baghdad is not deliberately targeting civilians. Neither is it doing enough to minimize harm to civilians as required by international law. Iraq is clearly a hostile environment for U.S. troops, with daily attacks by Iraqis or others opposed to the U.S. and coalition occupation. But such an environment does not absolve the military from its obligations to use force in a restrained, proportionate and discriminate manner, and only when strictly necessary. The individual cases of civilian deaths documented in this report reveal a pattern by U.S. forces of over-aggressive tactics, indiscriminate shooting in residential areas, and a quick reliance on lethal force. In some cases, U.S. forces faced a real threat, which gave them the right to respond with force. But that response was sometimes disproportionate to the threat or inadequately targeted, thereby harming civilians or putting them at risk.³³

As previously mentioned, the insurgents are very good at luring the United States into situations where innocent Iraqi civilians become casualties. The insurgents appear to select targets that create the greatest effects, while the United States seems to remain oblivious to the fact they are on the receiving end of insurgent's EBO. Recent coalition operations demonstrate the coalition's failure to recognize the link between ROE and insurgent's EBO.

For example, recently near Tikrit, the United States began destroying houses suspected of concealing insurgent mortar firing positions. Major General Charles Swannack, commander of the 82nd Airborne Division, claimed that the destruction of more than a dozen houses demonstrates U.S. resolve.³⁴ When recently asked if the United States risked alienating Iraqis with heavy-handed tactics, MajGen Swannack replied, "I like to remember what Viscount Slim [a World War II British field marshal] said during the Burma campaign. He said use a sledgehammer to crush a walnut, and that's exactly what we will do. We will use force, overwhelming combat power when it's necessary."³⁵

While aggressiveness is generally a favorable characteristic in most tactical situations, by failing to recognize the extent of the insurgent's EBO, the U.S. ROE are susceptible to continued exploitation. Furthermore, the U.S. should recognize that military necessity does not mean military expediency.³⁶ "Military necessity simply permits commanders to use force to attack lawful military objectives when there is a need to do so. Lawful military objectives, in turn, are defined as those objectives whose nature, purpose, or use, make an effective contribution to military action and whose total or partial destruction, capture, or neutralization at the time offers a definite military advantage."³⁷ Clearly, destroying houses may have seemed to offer a tactical military advantage for the 82nd Airborne Division; however, when viewed from an insurgent EBO model, this type of destruction feeds the

insurgency and provides virtually unlimited potential for propagating effects to undermine U.S. goals.

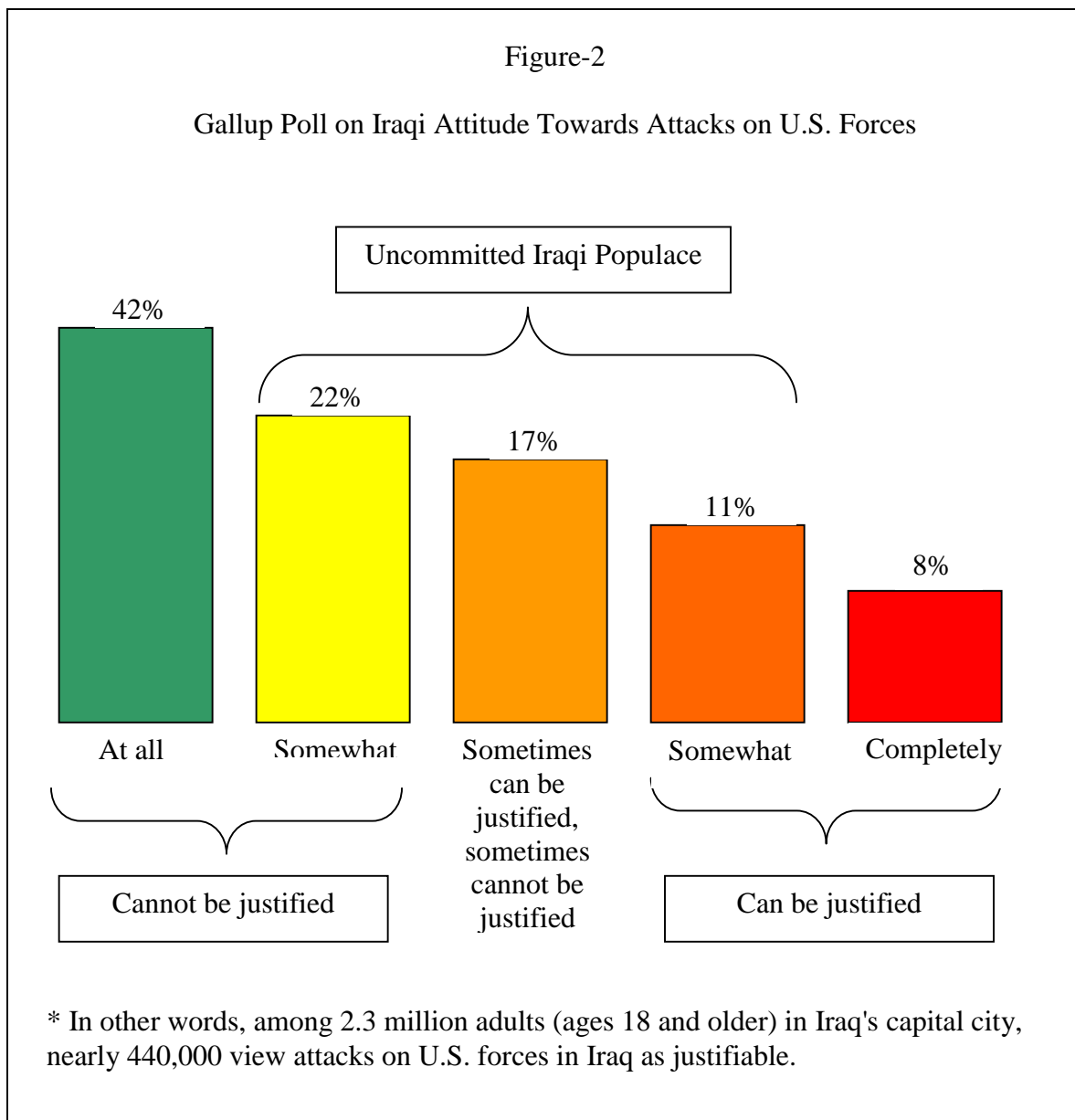
EBO Audience #2– The Uncommitted Populace

Between May and November 2003, HRW estimates that the U.S. military killed ninety-four civilians, in what they call "questionable circumstances."³⁸ While, the United States may see these deaths as unfortunate results of U.S. resolve, the insurgents see them as opportunities to create effects within audience-2, the uncommitted Iraqi populace.

The insurgents seek to achieve effects over the uncommitted Iraqi populace by exploiting weaknesses in U.S. ROE. The uncommitted populace is comprised of Iraqi civilians who remain undecided as to whether it is in their best interest to support the U.S. coalition efforts, or to support the insurgents. Every uncommitted Iraqi is a potential provider of support, intelligence, and anti-U.S. political influence to the insurgents. The insurgents have demonstrated their ability to exploit U.S. ROE in order to create effects that sway the uncommitted Iraqi populace in favor of the insurgent cause.

For example, in their investigation, HRW identified that a large number of Iraqi "civilian deaths [were] caused by U.S. soldiers who responded disproportionately and indiscriminately after they had come under attack at checkpoints or on the road. [They also] documented cases where, after an improvised explosive device detonated near a U.S. convoy, soldiers fired high caliber weapons in multiple directions, injuring and killing civilians who were nearby."³⁹ Despite the fact that the insurgents instigate such U.S. heavy-handed tactics, the uncommitted populace focuses primarily on the effects that the U.S. response creates. These effects, created by the insurgent's exploitation of U.S. ROE, inadvertently confer advantages upon the insurgents.

The link between U.S. ROE and the insurgent's ability to achieve successful effects over the uncommitted populace has tremendous favorable potential for the insurgents. Every innocent Iraqi killed by the United States creates a growing number of potential pro-insurgent Iraqis. As depicted in Figure-2, in a 14 October 2003 poll conducted by Gallup, of 2.3 million Iraqis in Baghdad, 440,000 viewed attacks on U.S. forces by insurgents as justifiable.⁴⁰



The insurgents understand how to exploit the psychological impact of their EBO in order to reach the greatest population of uncommitted Iraqis. The axiom, "Kill One to Terrorize a Thousand," is achieving the insurgent's desired effects, as evidenced in the Gallup Poll.⁴¹ Despite the authority under international law for the United States to "demand and enforce the population's obedience as necessary for the security of the occupying forces," the insurgent's EBO is making this legally based imperative difficult for U.S. forces to enforce.⁴²

As terrorism expert Martha Crenshaw points out, the insurgent's use of terrorism:

...is meant to be an economical method, in the sense of producing psychological and political effects far out of proportion to the magnitude of physical destruction. What is characteristic of terrorism is that the physical victims of terrorism are not the targets. That they are terrorized is important only in so far as their terror is communicated to a watching audience, whose emotions the terrorists seek to manipulate. If this audience is sufficiently stimulated to support or agree to the terrorists' demands, then terrorism has succeeded. It is important to note that the relevant audiences for terrorism extend beyond the citizens of the country the terrorists oppose. Potential supporters are also a critical audience, and terrorism serves as a useful device for both mobilization and polarization of populations. It is a way of forcing people to choose sides. Terrorism thus has diverse emotional effects: it can arouse enthusiasm, satisfy desires for vengeance, or stimulate imitation.⁴³

While ROE may be the source of apparent tactical and operational advantage for U.S. troops, these same ROE undermine U.S. strategic efforts. The inability of U.S. forces to recognize that they are recipients of insurgent EBO inadvertently results in a situation where ROE do not support the desired political end-state.⁴⁴

This does not imply, however, that the situation in Iraq is simple or without challenges for U.S. troops. As M.N. Schmitt points out in "International Law Studies: The Law of Military Operations":

In such a confused environment, choice of ROE serves to allocate risk. Status based ROE, in which pre-declared enemy forces are declared hostile and may be shot on sight, minimizes the risk to U.S. troops but may lead to significant civilian casualties if enemy forces are not readily distinguishable from the general populace. Conversely, conduct

based ROE, which typically authorize force only in response to hostile acts or intentions, tend to reduce civilian casualties while increasing the risk to U.S. forces.⁴⁵

The U.S. ROE employed in Iraq appear to be largely status-based in order to reduce the risk of domestic political ramifications caused by potentially high numbers of U.S. casualties. The drawback to status-based ROE is that they play into the insurgent's ability to execute an effective EBO strategy. As long as the insurgents continue to exploit U.S. ROE in order to achieve effects over the uncommitted Iraqi populace, they will continue to maintain the strategic advantage. Until the United States understands that it is the victim of insurgent EBO, and takes measures to alter its ROE, the insurgents will continue to enjoy an advantage.

EBO Audience #3 – International Public Opinion

The third audience that the insurgents reach with their EBO is international public opinion. The insurgents exploit U.S. ROE and achieve effects over this audience primarily to exert international pressure upon the United States. By propagandizing perceived violations of both human rights and the law of war, the insurgents undermine U.S. efforts to stabilize Iraq.

Why is international opinion important to U.S. success? Without the support of the international community and its significant resource contributions, the United States cannot likely accomplish its political objectives in Iraq. The insurgents understand this point very well. They focus their efforts on achieving effects that minimize the willingness of countries to contribute to the stabilization of Iraq. Without the support of the United Nations and non-governmental organizations such as the Red Cross, the United States cannot provide, at an acceptable cost to U.S. taxpayers, the necessary resources required to stabilize Iraq.

In and of itself, knocking down a dozen houses in Iraq, or killing ninety-four civilians, has little impact on U.S. military operations in Iraq. "Like chess, or any other competitive test of

wills, it is the assimilation, collection, and analysis of the situation that are important. The physical moves are incidental."⁴⁶ While the physical act of knocking down houses or killing a few civilians may seem incidental to operational commanders in Iraq, these same houses and civilian casualties, when viewed from an insurgent EBO strategy, are significant events for achieving effects on international opinion.

By exploiting U.S. ROE, the insurgents have demonstrated that they can achieve significant effects over the international audience. As distinguished terrorism scholar Wolfgang Mommsen points out, "If the reasons behind terrorism and violence are skillfully articulated, terrorism can put the issue of political change on the public and international agenda. For the side that can best maintain its position atop of the moral high ground is likely to have the best chance of adding confirmation of the rightness to their particular cause."⁴⁷

Just as the National Liberation Front (FLN) in Algeria succeeded in using propaganda in order to turn French operational successes into strategic defeats, the Iraqi insurgents are exploiting U.S. ROE in order to turn U.S. tactical victories into strategic setbacks.⁴⁸ Coalition commanders may continue to believe that their ROE are effective in demonstrating U.S. resolve, and necessary for mission accomplishment. The reality, however, is that by knocking down houses and killing Iraqi civilians, the U.S. undermines its international legitimacy and jeopardizes the overall mission.

Recommendations

"What modifications to U.S. ROE are required to preclude conferring advantages upon the enemy?" As mentioned earlier, solving the problem of ROE is no simple matter. One possible answer may be that the U.S. acknowledge that its response to force has been

excessive. If this is the case, as suggested, then the United States should place limitations that are more stringent on the right to self-defense. The limitations, however, do not literally mean that U.S. troops could not defend themselves in situations where clear evidence of hostile intent or hostile act existed. The limitations should focus rather on placing emphasis on the requirement to positively identify (PID) targets that present hostile intent or conduct hostile acts, and subsequently to respond with well-aimed fires.

Current ROE, as open sources suggest, permits U.S. troops to respond to hostile acts with overwhelming suppressive fires. During the decisive operations phase of OIF, this may have been a suitable response, given the threat and environment. This same response during post-conflict operations, however, is resulting in high numbers of civilian casualties that confer an advantage upon insurgents by playing into their effects based operations. In urban centers, with high-density civilian populations, responding to hostile acts or intent with area suppressive fires is exactly what the United States should not do. Evidence also suggests that, in addition to U.S. forces failing positively to identify targets, and failing to return well-aimed fires, the ROE allow for reconnaissance by fire.⁴⁹ By exploiting U.S. ROE, the insurgents make it far more difficult for the United States to win the hearts and minds of the Iraqi populace.

Modifying the ROE, however, comes with associated risks. By placing further restrictions on the application of force, troops are likely to feel reduced freedom of action. Clearly, there is increased risk to the troops by adding requirements to the ROE. The risks have a reverse correlation. Increased risk accepted at the tactical level, results in reduced risk at the strategic level. The United States ultimately will need to accept more risk at the tactical level in order to prevent the insurgents from executing an effective EBO, as they are now.

There are varying views on how to define restraint in the application of force. Human Rights Watch (HRW), for example, has recommended that the United States adopt the United Nations Law Enforcement Rules of Engagement as its source document for applying force in Iraq.⁵⁰ Despite the claims by HRW, law enforcement ROE will not solve the problem of applying force in an EBO environment. Additionally, given the situation in Iraq, complete adoption of law enforcement ROE would unduly restrict commanders solely to law enforcement activities, and give insurgents increased freedom of action.

Clearly, the practice of bulldozing houses in Iraq should stop. From an operational perspective, the destruction of houses offers little benefit to U.S. troops, especially given the insurgent ability to adapt rapidly to changing situations. Destroying houses at the operational and tactical levels makes the job of winning the hearts and minds more difficult. A recent Newsweek article "Blood and Honor" points out the disadvantages of destroying houses and killing innocent Iraqi civilians. The article states, "It's the Arabic rule of five. If you do something to someone, then five of his bloodlines will try to attack you. The insurgency is self-replicating, like a virus, through the vengeance of brothers, sons, cousins and nephews."⁵¹ The short-term benefit of destroying houses at the tactical level results in long-term propaganda advantages for the insurgents to exploit at the strategic level. ROE should facilitate mission accomplishment. "...in essence, ROE [serve as] the umbilical cord [that] connect[s] the National Command Authorities (NCA) to the lowest Private in harm's way. ROE [should] also serve as a reliable barometer, especially in military operations other than war, for gauging whether political goals and military means are properly synchronized."⁵² Commanders should not sacrifice the accomplishment of the long-term strategic goals for short-term tactical successes.

Conclusions

Clearly, U.S. ROE currently employed during post-conflict operations in Iraq require significant modifications in order to preclude inadvertently conferring advantages upon the enemy. ROE is an emotional matter to discuss, especially when U.S. troops currently face very dangerous and challenging circumstances in Iraq. Under these circumstances, the reasonable man might argue that our ROE are already too restrictive, and any further restrictions would result in undue American deaths. It is difficult, under the best of circumstances, to strike a balance between protection of the force and mission accomplishment. Clearly, this is no easy matter.

For ROE to be truly effective, they must be flexible enough to be adapted to a variety of situations, and they must facilitate mission accomplishment. As the evidence in this essay points out, U.S. ROE currently employed in Iraq are not necessarily facilitating mission accomplishment. Furthermore, U.S. ROE appear to be the very critical weakness that the insurgents are exploiting.

The solution to the current challenge in Iraq begins first with an understanding of the three audiences the insurgents are attempting to affect. Through this analysis, it becomes clear how the insurgents are exploiting U.S. ROE in order to achieve their desired effects over their three audiences.

The U.S. Marines, going back to Iraq in the coming weeks, appear to understand the role that ROE play when applied in an insurgent EBO environment. The First Marine Division's motto going back into Iraq is, "Be the First to Do No Harm." Clearly, the Marines will face more risk at the tactical level applying such a motto. If successful, however, the Marines

may be the first to demonstrate how ROE modifications can preclude conferring advantages upon the insurgents.

NOTES

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- ¹ Brigadier General David A. Deptula, Effects-Based Operations: Changes in the Nature of Warfare (Arlington, VA: Aerospace Education Foundation, 2001), p.iii.
- ² Carl Von Clausewitz, On War, trans. Michael Howard and Peter Paret (Princeton, NJ: Princeton University Press, 1976), 258.
- ³ Lieutenant Colonel Allen W. Batschelet, "Effects Based Operations: A New Operational Model?" U.S. Army War College, (09 April 2002): 13.
- ⁴ U.S. Joint Chiefs of Staff, DOD Dictionary of Military and Associated Terms, Joint Pub 1-02 (Washington, DC: 12 April 2001).
- ⁵ Professor William Fuller, Strategy and Policy Department, Naval War College [Developed the concept of 5 audiences of terrorism. I modified this foundation for the basis of my argument].
- ⁶ Human Rights Watch, Hearts and Minds: Post-war Civilian Deaths in Baghdad Caused by U.S. Forces October 2003 <<http://www.hrw.org>> [3 November 2003].
- ⁷ Jamie McIntyre. "U.S. Levels Houses of Suspected Iraqi Insurgents." CNN Washington Bureau , Wednesday, November 19, 2003.
- ⁸ David Zucchino and Tony Perry. "Iraqi Irregulars Strain U.S. Rules of Combat." Los Angeles Times, March 29, 2003 <<http://www.detnews.com/2003/nation/0303/29/nation-122105.htm>> [6 January 2004].
- ⁹ Ibid.
- ¹⁰ "Defense Official Lists Five U.S. Objectives In A Post-War Iraq." February 11, 2003 <<http://www.useu.be/Categories/GlobalAffairs/Iraq/Feb1103USPostWarIraq.html>> [6 January 2004] [In prepared testimony for the Senate Foreign Relations Committee February 11, the United States would stay in Iraq long enough to achieve five objectives: the liberation of the Iraqi people; the elimination of Iraq's weapons of mass destruction (WMD); the elimination of its terrorist infrastructure; the safeguarding of its territorial integrity; and the beginning of its political and economic reconstruction.].
- ¹¹ Professor Richard J. Grunawalt, "JCS Standing Rules of Engagement: A Judge Advocate's Primer," The Air Force Review, (1997): 245-258.
- ¹² Anthony H. Cordesman "The Current Military Situation in Iraq." Center for Strategic and International Studies (November 14, 2003): 4.
- ¹³ Fred Abrahams, "Iraqi Civilians Fall Victim to Hair Triggers," Los Angeles Times, October 21, 2003 <www.hrw.org/editorials/2003/iraq102103.htm> [6 January 2004].
- ¹⁴ Lieutenant Colonel James C. Duncan, USMC, "The Commander's Role in Developing Rules of Engagement," Reprinted from Naval War College Review, (Summer 1999): Issue, pp. 76-89. Published by The Naval War College Press, 83.
- ¹⁵ Ibid. [There are two types of supplemental measures; those that authorize a certain action, and those that place limits on the use of force for mission accomplishment.].
- ¹⁶ "List of Documents on Iraq." Human Rights Watch List of Documents. March 31, 2003. <<http://www.hrw.org>> [5 January 2004] [A perfidious attack is one launched by combatants who have led opposing forces to believe that the attackers are really non-combatants. Acts of perfidy include pretending to be

a civilian or feigning surrender so that the opposing forces will let down their guard at the moment of the attack. International law prohibits perfidious attacks.].

¹⁷ Cordesman, "The Current Military Situation in Iraq."

¹⁸ Ibid. [FRLs still have lots of money to buy attacks. At least \$1 billion still is unaccounted for. Some \$3 billion more of Iraqi money is in Syria by Syrian admission.].

¹⁹ Jim Krane, "Iraqi Attacks Show Central Planning," The Philadelphia Inquirer, December 18, 2003 <<http://www.philly.com>> [8 January 2004].

²⁰ SGT Christopher Alexander, CPT Charles Kyle, MAJ William S. McCallister, "The Iraqi Insurgent Movement," 14 November 2003 <<http://library.nps.navy.mil/home/terrorism.htm>> [4 January 2004].

²¹ Ibid.

²² Combined Joint Task Force-7 Website <<http://www.cjtf7.army.mil/>> [19 December 2003].

²³ Jim Krane, "US: Iraqi Insurgents Show Coordination," Associated Press, 2 December 2003, <<http://www.timesleader.com/mld/timesleader/7389930.htm>> [12 January 2004].

²⁴ Cordesman, "The Current Military Situation in Iraq." [As of November 14, 2003, CJTF-7 reported the following statistics to highlight the success of the 4th Infantry Division: 361 raids, 21,877 coalition only patrols, 3,504 joint patrols, 2,653 static checkpoints, 1,919 flash checkpoints, 843 ambushes. There have been 231 targets and 1,634 detainees, finding 46 IED bomb makers, 6 financiers, and 201 IEDs *(91 disarmed.) Massive seizures of ammunition continue. These statistics are very similar to attrition-style statistics used to measure effectiveness in Vietnam. None of these statistics allude to effects based operations.].

²⁵ Ibid.

²⁶ CJTF-7 Mission Statement <<http://www.cjtf7.army.mil/>> [19 January 2004].

²⁷ Sheila K. Johnson, "The Battle of Algiers and Its Lessons," September 7, 2003 <<http://www.TomDispatch.com>> [10 January 2004].

²⁸ Major K. Noedskov, "Systematizing Effects Based Air Operations," Air & Space Power Chronicles, (May 24, 2000). [Warden's Five-Ring Model identifies prioritized centers of gravity for effects orientation as: 1) C4I 2) Production 3) Transportation 4) Population 5) Military.].

²⁹ Human Rights Watch, 34.

³⁰ Martha Crenshaw, Terrorism and International Cooperation (New York: Institute for East-West Security Studies, 1989), 5.

³¹ Alexander, Kyle, and McCallister, 5.

³² Crenshaw, 6.

³³ Human Rights Watch, 3.

³⁴ Jamie McIntyre. "U.S. Levels Houses of Suspected Iraqi Insurgents." CNN Washington Bureau, Wednesday, November 19, 2003.

³⁵ Ibid.

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- ³⁶ Duncan, 83.
- ³⁷ Ibid., 84.
- ³⁸ Human Rights Watch, 11.
- ³⁹ Ibid., 4.
- ⁴⁰ Richard Burkholder, "Baghdad Views U.S. Troops: Protectors or Justifiable Targets?" Government & Public Affairs Director, International Polling October 14, 2003 <<http://www.cpa-iraq.org/government/polling.html>> [6 January 2004].
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- ⁴² Lieutenant Colonel Jim Friend, USA, "The Law of Armed Conflict: Discouraging Resistance," (Condensed and Reformatted Version of 20 August 2003), (Newport, RI: Published by the Naval War College), 4.
- ⁴³ Crenshaw, 7.
- ⁴⁴ U.S. Joint Chiefs of Staff, Standing Rules of Engagement (SROE) for US Forces, CJCSI 3121.01A. (Washington, DC: 15 January 2000), Enclosure L, p. L-2.
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- ⁴⁶ Maj Brendan B McBreen <<mailto:McBreenBB@hqmc.usmc.mil>> "Subject: RE: The RFCT Strikes Back" [To: Bierman LtCol James W; Greg] Friday, December 19, 2003 1:18 PM
- ⁴⁷ Wolfgang J Mommsen, "Non-Legal Violence in Industrial Societies: An Historical Analysis," in Wolfgang J. Mommsen and Gerhard Hirschfeld, eds., Social Protest, Violence and Terror in Nineteenth- and Twentieth Century Europe. (London: Berg Publishers 1982), 384-404.
- ⁴⁸ Naval War College, Strategy and Policy Syllabus on Terrorism (Newport, RI 2003), Ch-11. [France failed to use all elements of national power in order to achieve success in Algeria. The French solution employed a military solution to a political problem, and while the French were militarily successful at the tactical level, they failed to produce victory at the strategic level.].
- ⁴⁹ Joint Chiefs of Staff, Department of Defense Dictionary of Military and Associated Terms, Joint Pub 1-02 (Washington, DC: 12 April 2001), 443. [Reconnaissance by Fire — (*) A method of reconnaissance in which fire is placed on a suspected enemy position to cause the enemy to disclose a presence by movement or return of fire.].
- ⁵⁰ Human Rights Watch, 7-9.
- ⁵¹ Michael Hirsh, "Blood and Honor," Newsweek, 2 (February 2004): 38-40
- ⁵² Ibid., 226.

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